

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16353 of Howard University, pursuant to 11 DCMR 3108.1 for a special exception under Section 210 for further processing of an approved campus plan to allow an amendment and the construction of a new law library on the Law School West Campus, in a R-1-A District at premises 2900 Van Ness Street, N.W. (Square 2049, Lot 810).

HEARING DATE: June 17, 1998
DECISION DATE: June 17, 1998 (Bench Decision)

CORRECTED SUMMARY ORDER*

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 3F and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 3F. ANC 3F, which is automatically a party to this application, did not submit a written statement related to the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements, which are necessary to establish the case for a special exception pursuant to 11 DCMR 210. No person or entity appeared at the public hearing in opposition to this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that this application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. Construction shall be in accordance with plans marked as Exhibit No. 6 of the record, as updated by plans marked as Exhibit No. 25 of the record.
2. The new hours of operation for the law school library shall be as follows:
For faculty, students and staff: Normal operating hours shall be from 7:00 a.m. until 2:00 a.m. During exam periods, the library shall operate 24 hours a day.

*This order was corrected administratively, at the request of the applicant's counsel, to accurately reflect the Board's intentions as to the hours of operation set forth in Condition No. 2.

Non-faculty and non-student users shall normally have access to the library from 7:00 a.m. until 10:00 p.m. However, the Dean of the Law School shall establish the hours of access for non-faculty and non-student users during exam periods.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: **3 – 0** (Betty King, Sheila Cross Reid and Maurice Foushee to grant; Angel F. Clarens not voting, having recused himself)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 
for **SHERI M. PRUITT-WILLIAMS**
Interim Director

Final Date of Order: FEB 12 1999

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR § 3103.1, “NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT.”

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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BZA APPLICATION NO. 16353

As Interim Director of the Office of Zoning, I hereby certify and attest that on _____ a copy of the order entered on that date in this matter before the Board of Zoning Adjustment was mailed first class postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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Linowes and Blocher
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Dean Alice Gresham Bullock
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Attested By: *Nancy H. Rose*
for **SHERI M. PRUITT-WILLIAMS**
Interim Director

DATE: FEB 12 1999

Att./TWR